THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4929 of 2007

12-03-2007

Between:-

Ram Kishan Sri Vallabh Namdevwada,
Nizamabad rep., by its Partner-
Manmohan Dalia, Nizamabad.

Petitioner

And

The Joint Collector, Nizamabad
and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4929 of 2007

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

On 19-02-2007, 79.20 quintals of Red Gram Whole was seized from the Central Ware Housing Corporation, Dubba, Nizamabad. The petitioner claims that he is a licensee under the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing and Distribution) Order, 1982 (for short 'the Control Order'), which is in force; and that the commodity was stored at Central Ware Housing Corporation Godown, Dubba on route transportation to the licensed premises of the

petitioner.

The first respondent, by the order dated 23-02-2007 directed interim disposal of the seized commodities through public auction without recording satisfaction and opinion as mandated by the provisions of Section 6A (2) of the Essential Commodities Act, 1955 (for short 'the Act').

A similar issue came to be decided and principles were laid down in the judgment of this court dated 27-02-2007 in W.P.No. 3761 of 2007.

For reasons alike, the writ petition is allowed. The order of the first respondent dated 23-02-2007 is quashed. The first respondent is however at liberty to pass a fresh order in accordance with law. There shall be no order as to costs.

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GODA RAGHURAM, J

Dated:12-03-2007
Pvks/*

Nb:- Furnish c.c. in two days.
B/o pvks